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# Situation of human rights in Rwanda

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, pursuant to Economic and Social Council decision 1999/288 of 30 July 1999, the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda.

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# Report of the situation of human rights in Rwanda prepared by the Special Representative of the Commission on Human Rights pursuant to Economic and Social Council decision 1999/288 of 30 July 1999

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# I. Introduction

1. In its resolution 1999/20 of 23 April 1999, the United Nations Commission on Human Rights decided to extend the mandate of the Special Representative on the situation of human rights in Rwanda for a further year, and requested him to report to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session.[1] In particular, the Commission called upon the Special Representative to assist the members of the newly formed Rwandan National Human Rights Commission in organizing a round-table meeting and in developing a plan of action for the promotion and better protection of human rights in Rwanda. The Commission also urged the Government of Rwanda to work with the Special Representative to facilitate this meeting and called for assistance from the Office of the United Nations High Commissioner for Human Rights and the international community for its realization. The Commission further called for close regular consultation between the Special Representative and the Government of Rwanda, the National Human Rights Commission and all relevant national institutions regarding the functioning of the National Human Rights Commission. In addition, in paragraph 30 of resolution 1999/20, the Commission commended the establishment of the newly formed National Commission for Unity and Reconciliation, and urged that international support be provided to enable that Commission to achieve its objectives. The present report, submitted in accordance with resolution 1999/20, is the fifth submitted by the Special Representative pursuant to his mandate.

2. The Special Representative wishes to underline that, in the discharge of his mandate, he is always guided by three fundamental considerations: (a) to try to fully comprehend the post-genocide trauma that has affected the Rwandan society since 1994; (b) to try to help and encourage the country and all its people in their efforts to recover from this tragedy; and (c) to be as objective and constructive as possible in proposing recommendations to address real problems in the field of human rights.

# II. Missions of the Special Representative

3. In pursuance of the objectives of his mandate and in view of developments in the country, which included the debate and adoption by the National Assembly of the laws creating the National Human Rights Commission in Rwanda and the National Commission for Unity and Reconciliation,[2] and the appointment by the National Assembly of the seven members of the National Human Rights Commission, the Special Representative undertook four missions to Rwanda in 1999. The first mission was in January, the second in April, the third in June and the fourth in August. In all of these missions the Special Representative was accompanied by a special assistant and by the desk officer for Rwanda of the Office of the United Nations High Commissioner for Human Rights. In this regard, the Special Representative is very grateful for the support provided to him by the Office of the High Commissioner for Human Rights.

4. The Special Representative also wishes to express his deep gratitude to the Government of the United Kingdom of Great Britain and Northern Ireland for providing support for his mandate, thanks to which he was able, in particular, to send special assistants to Rwanda. In addition, he would like to thank the United Nations resident coordinator and United Nations Development Programme (UNDP) resident representative in Rwanda, and all the staff of the UNDP office, for the very valuable support they extended to him and his team on all occasions.

5. In collecting information during the four visits for the preparation of the present report, meetings were held with a wide range of personalities from various sectors of Rwandan society: branches of the Government, civil society, members of diplomatic missions and members of United Nations agencies, as well as with some national and international non-governmental organizations (NGOs) involved in human rights and related matters in Rwanda. These interlocutors included, *inter alia*, the President of the National Assembly, the President of the Supreme Court, the Prime Minister, the three successive Ministers for Foreign Affairs, the Minister of Justice and his Permanent Secretary, the current and former Ministers of Gender and Women in Development, the Minister of State in the Office of the President, the Minister of Social Affairs, the Special Adviser to the Vice President, the Minister of Internal Affairs and his Permanent Secretary, the Chief Prosecutor, the President of the Rwandan Bar Association, the Presidents of local human rights NGOs, among others, the Committee of Human Rights Leagues and Associations, the League for the Defence of Human Rights in Rwanda, the *Association rwandaise pour la défense des droits de l'homme*, the Rwandan Association for the Defence of Human Rights and Freedoms, *Kanyarwanda* and the League for the Rights of People in the Great Lakes Region, representatives of *Avocats sans Frontières* (Lawyers without Borders), the President and all members of the National Commission on Human Rights and the Chairperson and Executive Secretary of the National Commission for Unity and Reconciliation.

6. The Special Representative and his colleagues also travelled to the north-western prefectures of Ruhengeri and Gisenyi. They met with various officials and visited camps and settlements of regrouped populations. Visits to two prisons in the prefectures of Butare and Kigali-Rural provided opportunities for exchanges with incarcerated persons or detainees. These visits proved particularly useful to the Special Representative as they enabled him to have a direct perception of the living conditions of these populations.

## III. General observations of the Special Representative

7. The Special Representative is gratified to be able to report that Rwanda is stepping out from the shadow of genocide. Although this terrible crime must never be forgotten, the Rwandan people are now taking vigorous steps to ensure that it no longer impedes the development of their nation. The present report describes a country that is growing in confidence and laying the foundations for a democratic society. As the Rwandan Government acknowledges, this must include a central place for human rights. In a meeting with the Special Representative, a Rwandan Minister described human rights as the Government's *raison d'être*.

### Laying the foundations for democracy

8. Since the Special Representative's visit in January, the Rwandan National Assembly has extended the period of transition from genocide to democracy by another four years. The Special Representative feels bound to observe that during this extension period, the international community will be closely watching the Government's efforts to hasten the transition.

9. In this respect, the Special Representative is pleased to note the following positive developments over the past year: successful local elections; the establishment of two new commissions (on human rights and unity and reconciliation); the first steps towards the drafting of a new constitution; a plan to professionalize the civilian police force; a revision of the 1991 press law; the adoption of a law allowing women to inherit property; a growing commitment to good governance (as manifested in the arrest of several prison administrators and military officers on charges of corruption); and a proposal to use traditional justice (*gacaca*) in an effort to speed up genocide trials.

10. Taken together, these initiatives signal a clear movement towards democracy.

### Creating a culture of human rights

11. In spite of the progress, there is not yet a culture of human rights in Rwanda. This must start with dialogue and debate.

12. Dialogue requires accurate regular information from Rwanda's human rights groups and the Special Representative is gratified that these groups are emerging from a period of self-doubt and disorganization. Working with other partners in Rwandan civil society, the human rights groups should be encouraged to monitor the entire range of human rights, but this will require a strengthening of their management capabilities. The present report contains proposals in this regard.

13. Rwandan human rights groups are expected to benefit from the establishment of the new independent National Human Rights Commission. Previous reports attest to the importance attached to this Commission by the Special Representative. Its seven members are now developing a work plan and establishing its credentials with Rwanda's national institutions and civil society.

### Detention, justice and reconciliation

14. The Special Representative is distressed that Rwanda's prisons continue to absorb 4 per cent of the country's entire budget and tarnish the country's human rights reputation. Conditions, while improving, are still unacceptable.

15. The Special Representative's mission visited two prisons and several communal detention centres (*cachots*). He is convinced that the time is ripe for a breakthrough on this critical issue of detention and that the Government is open to constructive suggestions. The Special Representative sees this as central to his mandate.

16. Some improvements have been witnessed since the transfer of prison administration to the Ministry of Internal Affairs at the beginning of the year. The Ministry has dismissed corrupt administrators, accelerated the training of guards, drafted new rules for the prisons and permitted the employment of prisoners. It is also gratifying that the Government is prepared to allow monitoring of prisons and discuss the problems openly. The Special Representative urges the Government to extend the same discipline to *cachots*, which are also overcrowded and totally lacking in services.

17. It is the firm belief of the Special Representative that the release of detainees without files, the elderly and women who have given birth in jail would be warmly welcomed by the international community — and that this can be done in a manner consistent with the dictates of justice. On the other hand, this will also require that the international community give more weight to the needs of the survivors of genocide.

18. In an effort to ease overcrowding in jails, promote reconciliation at the community level and, importantly, ensure that justice is seen to be done, the Government plans to revive a system of traditional justice, known as *gacaca*. The Government is pressing ahead with its plans and the first *gacaca* trials could take place before the end of this year. There is no doubt that *gacaca* does seem the only viable alternative and the Special Representative therefore supports this approach. However, he also notes that there are many difficulties inherent in the use of the system, some of which are addressed here. He commends the willingness of the authorities to explain the *gacaca* proposal to the population and to representatives of the international community and to listen to their views.

### Social and economic rights

19. The Special Representative has not had enough time to go deeply into economic and social rights. Nevertheless, he makes the following observations.

20. The Government has proposed a comprehensive programme of regrouped settlements, known as villagization or *imidugudu*, which aims at making available to refugees in need of houses and to peasants scattered on the hills, villages which maximize the use of water, education, sanitation and agricultural land. This concern of the Government is of course understandable, bearing in mind the return to the country of almost three million refugees, the scarcity of agricultural land and the forecast that the population will grow to 10 million by the year 2005. But the scope of such a programme has caused concern among some members of the international community who believe that any such programme should be applied with the full understanding, participation and consent of the population.

21. The Special Representative considers it his duty to report this debate honestly as it may indeed affect human rights. If he has one recommendation regarding *imidugudu*, it is that the Government continues to maintain and encourage the open discussions that have been taking place throughout the country. The newly established National Human Rights Commission should take an active part in such discussions.

22. Rwanda's women and children suffered terribly under the genocide and those who survived still bear the scars. They also suffer from poverty, domestic violence and a lack of representation in society.

### Structural challenges to human rights

23. Looking further ahead, Rwanda faces a series of structural challenges. One is freedom of movement. Rwandans are linked to their communes by a system of compulsory registration and identity cards. This restricts freedom of movement and it also serves as a barrier to a flexible labour market and economic development, as reported in the 1998 World Bank report on poverty in Rwanda.

24. Freedom of opinion and expression is linked to a free press. The media has still not recovered from the perception that it aided and abetted the genocide. However, its importance in ensuring transparency cannot be questioned. This report contains several observations on how to ease obstacles to an effective press while ensuring that it remains responsible.

### Changing attitudes

25. The Special Representative wishes to commend the Government on its efforts to eradicate the ethnic tensions, which have proved so destructive in the past. Ethnic origins have been removed from identification cards; key posts in the Government are being shared between ethnic groups; thousands of soldiers from the former military (ex-*Forces armées rwandaises*) have been integrated into the national army.

26. These are commendable steps, but it will take more to transform Rwandan society. Many talk of the blind obedience that was exploited by those who planned the 1994 massacres. The best antidote to this is a spirit of independence at the community level. Civic associations, particularly those working for human rights, are starting to show the way. They can draw on the resilience that is helping Rwandans to recover from genocide.

### Security and human rights

27. Human rights in Rwanda are linked to security throughout the Great Lakes region. The last year has seen a deterioration in Burundi. On the other hand, the signing of a peace agreement in Lusaka on 10 July and its subsequent adoption by opposition groups in early September promises a respite to the fratricidal war in the Democratic Republic of the Congo that has engaged the

forces of several nations, including Rwanda. Already the reduction in fighting in the Congolese province of Kivu has improved human rights in Rwanda and will, one hopes, permit the safe return of Rwandan refugees still in the Democratic Republic of the Congo. The Special Representative would like to reiterate here his abiding concern: promotion and respect of human rights in the Great Lakes region of Africa, including Rwanda, can only succeed in the long term if a lasting regional solution is found to the conflicts in the area. Such a regional solution must have the support of all countries in the region and must provide peace, security and economic development to all the populations concerned. In addition, appropriate mechanisms should be devised to ensure proper implementation of this regional solution.

# IV. Cooperation with the Office of the United Nations High Commissioner for Human Rights

28. Looking back to the situation at the time of the departure of the Human Rights Field Operation in Rwanda last July, the Special Representative is pleased to report the praiseworthy steps which the Office of the United Nations High Commissioner for Human Rights, on the one hand, and the Government of Rwanda, on the other, have been able to make in their common quest for a rapprochement to safeguard the primacy of human rights in Rwanda. It will be recalled that the Special Representative's report of 18 September 1998 underlined the serious problems caused by the departure of the Field Operation, with both parties acknowledging that the main cause for its closure was the inability to reach agreement on the issue of monitoring human rights in the country, while agreeing that more emphasis needed to be placed on capacity-building, technical cooperation, training and education.[3] The Special Representative is pleased to report on the uninterrupted dialogue that has been conducted between the two parties since the withdrawal of the Field Operation last July and on the concrete actions that have been taken by the High Commissioner to support positive measures taken by the authorities in Rwanda for the promotion and protection of human rights.

# V. Security in the north-west and the repatriation of refugees

### Security

29. Security has been the key to human rights in Rwanda since 1994. It can be viewed in both a narrow and a broad sense.

30. In a narrow sense, there is a clear link between improved security in the Great Lakes region, particularly in the Democratic Republic of the Congo, and human rights in Rwanda. In recent months security has improved in the eastern Congo, resulting in a reduction of incursions of armed infiltrators (*abacengezi*) into north-west Rwanda.

31. The Special Representative's mission was able to confirm that the mood in the prefectures of Gisenyi and Ruhengeri is noticeably calmer than when he visited in January. One district mayor (*bourgmestre*) in the commune of Karago said that gunfire had not been heard in months, a fact which he described as a miracle. In another sign of improved security, delegates from the International Committee of the Red Cross in Rwanda travel virtually everywhere in the north-west without armed escort.

32. This improvement in security has led to a corresponding decline in alleged reprisals by the Rwandan armed forces. However, the Special Representative would like to draw attention to a recent report by the League for the Defence of Human Rights in Rwanda, which reveals that 49 persons, mostly women and children, were killed by the army on 4 and 5 May, after fleeing into the Volcano National Park. This should be investigated.

33. Security can also be viewed, in a larger sense, as a state of mind. In an important discussion, a senior adviser to the President of Rwanda told the Special Representative that the threat to security was no longer sufficiently serious to stand in the way of the transition. This positive development should permit the authorities to deal more confidently with the issues reviewed in the present report: the return of refugees; the private ownership of land; freedom of movement, choice and expression; releases from jail — all of which have been held hostage to security considerations.

34. The Special Representative would sound one other note of caution regarding the north-west. He understands that civil defence patrols are being formed and armed in isolated villages. He would recall that such forces have caused violations elsewhere and that the *Interahamwe* itself started as a local defence organization in Rwanda. Certainly, civil defence is no substitute for a disciplined, professional

security force. The Special Representative therefore urges the Government to ensure that these civil defence patrols be properly controlled and held accountable for their actions.

### Human rights and the humanitarian emergency

35. Human rights and humanitarian concerns have merged in the north-west of Rwanda. This has proved disconcerting for some donors who want to help in this strategic region.

36. Last year, an estimated 600,000 Rwandans were displaced by fighting in the north-west and moved into camps. Conditions deteriorated to such an extent that an international appeal was launched by the Office of the United Nations Coordinator for Humanitarian Affairs. By June, donors had given $26 million.

37. This emergency has eased in recent months. The camps have been disbanded and the displaced moved into 183 villages under the policy of villagization (*imidugudu*). Emergency assistance has obviously helped, although one study in June found that 11 per cent of the population were still suffering from severe malnutrition, with the figure rising to 17 per cent in more remote communes. This is put down to late planting and damage to the health infrastructure from the fighting. A study of displaced persons conducted by the Government in June also found that only 53 per cent of the population in the north-west had access to their own land, a fact which has hurt food production.

38. Based on these findings, and in order to avoid further deterioration of the situation, the Office of the Coordination for Humanitarian Affairs has appealed for an additional $19 million. The Special Representative endorses this appeal. But he is also convinced that security has now improved to the point where selected development projects can be undertaken in the north-west.

### Return of refugees

39. Rwanda's refugees have long been a visible symbol of Rwanda's divisions. There are signs that this long and agonizing crisis may finally be drawing to a close.

40. The number of Rwandans still in exile has fallen from over 3 million to around 150,000 and the Special Representative has been told that between 30,000 and 60,000 Rwandan refugees may be in the eastern part of the Democratic Republic of the Congo. It is important that they return in a manner consistent with international law, that is to say, of their own free will. The Special Representative was told that, in January 1999, the Congolese rebel authorities announced that the Rwandans had two weeks in which to leave — implying that they had little choice. He was therefore pleased to learn from the United Nations High Commissioner for Refugees that, following her recent mission to the area, her Office had received assurances from rebel authorities controlling the areas that UNHCR will be granted access to those requesting repatriation and that the voluntary character of return will be respected.

41. Between January and June 1999, returning refugees were taken from the Democratic Republic of the Congo in buses to a transit centre (known as ETAG) in the Rwandan town of Gisenyi. The Special Representative is distressed to learn that, according to interviews conducted by the League for the Defence of Human Rights in Rwanda, eight women and four young girls claim to have been raped by government soldiers at the ETAG centre between 4 and 7 May. The League also claims that several refugees have failed to arrive in their commune. This report has been transmitted to the Office of the United Nations High Commissioner for Refugees (UNHCR).

42. Returning refugees are now brought directly from the Democratic Republic of the Congo to a former refugee camp of Nkamira, near Gisenyi, which has been rehabilitated by UNHCR. In July, 1,252 refugees passed through the camp before being taken on to their native communes. The Office of the High Commissioner said there is no evidence of pressure or violence in Nkamira, which was visited by the Special Representative's mission. Almost all the returnees were single women with young children. Their husbands had either been killed or their whereabouts was still unknown.

43. The potential for abuse of returnees would seem to be greatest in Ruhengeri because some cross the frontier on their own and fail to register in Ruhengeri, rendering them suspect to the authorities. Shortly before the Special Representative's mission, six returnees were arrested in the middle of the town because they had failed to pass through the communal headquarters.

44. This would seem to point to the need for a stepped-up presence by UNHCR. The Special Representative would therefore suggest that UNHCR upgrade and increase the number of its staff in the north-west in order to follow developments affecting the returnees more closely and to assist and protect them, as required. Given the improvement in the security situation in the area, UNHCR field staff should now be able to travel more easily and more regularly within both the Gisenyi and Ruhengeri prefectures.

# VI. Building democracy

### Local elections

45. The five-year transitional period for recovery from genocide expired on 19 July 1999. This has been extended by the Rwandan Government for another four years on the grounds that more time is needed to ensure security in the north-west and to lay the foundations for reconciliation. In addition, the process of drafting a new constitution has barely begun.

46. This will result in more scrutiny of the process of transition, in particular of human rights. The Rwandan Government might wish to consider an idea that was raised at the meeting of donors in London, on 22 and 23 July 1999, that benchmarks be established.

47. With the holding of elections for local committees in the last three days of March, and the election of 158,864 committee members at the level of cells and of sectors, one important benchmark has already been achieved.[4] There are 9,264 cells and 1,064 sectors in the country. Each cell and each sector has now an Executive Committee composed of 10 members each. These Executive Committees are responsible for matters relating to education, health, social affairs, gender, youth and culture, development, security, information and finance. There are, in addition, at the sector level, Sector Councils (*Conseil de secteur*). They are composed of representatives of each cell in the sector as well as the representatives of the sector's Executive Committee. In addition, two wise persons, two women and two youths are members of the Sector Council. Their main responsibilities are to approve or modify decisions taken at the lower levels and take appropriate action to find solutions to current problems. Decisions at all levels are taken by consensus. In spite of the short notice, the elections impressed representatives from the international community who formed an unofficial observation team under the leadership of the United Nations Development Programme (UNDP). The March elections also provided a foretaste of the elections for *gacaca* judges, which are also expected to take place this year.

48. The success of the process to date increases the importance of the selection methods used in March. Candidates were eligible by dint of their education and general standing in the community. They presented themselves at the level of cell and sector. There were no political party affiliations and no campaigning. Each candidate had two to three minutes to speak. Voters lined up behind the candidate of their choice. According to an informal UNDP estimate, the turnout was between 80 and 90 per cent. Often they waited in line for hours while votes were counted. Observers were impressed by the logistical achievement of organizing elections of this magnitude in less than two months, in an experiment which has proved to be largely successful.

49. The involvement of women candidates deserves particular attention. In one commune visited by the Special Representative's mission (Karago in Gisenyi prefecture) only 18 of the 270 local committee members elected were women. This contrasted with the commune of Musambira, in Gitarama prefecture, where the Special Representative's mission met with the leaders of the Women's Consultative Committee (COCOF). The Committee has 2,055 individual members and several stood successfully for elections. This resulted in a significantly higher number of women committee members than the national average, suggesting that economic activity by women might translate into greater political representation.

50. The Special Representative also commends the efforts of the Government, supported by UNDP, to provide post-election education and training for elected representatives, given that local committees will evolve into important partners of aid agencies. They need to develop the skills to run projects and manage local government.

### National Assembly Commissions

51. The National Assembly played an essential role in the creation of the National Human Rights Commission and the National Commission for Unity and Reconciliation. It is now considering a law to establish a commission which will be entrusted with the drafting of a new constitution for Rwanda. The Special Representative had several friendly meetings and discussions with the President of the National Assembly and members of his parliamentary committees. The Special Representative was very impressed by the commitment of the President and of his colleagues to promote a culture of human rights in the country.

52. Nine deputies sit on the parliamentary committee[5] on human rights of the National Assembly. Their new President is from the human rights community and, in a meeting with the Special Representative, he outlined ambitious plans to support human rights groups, visit new settlements and cooperate with the two new national commissions (on human rights and on unity and reconciliation). This will require resources: the entire National Assembly has only two vehicles.

53. The Special Representative expressed support for the committee. He hoped that it would accelerate the passage of

important laws that affect human rights, including those on civilian police, women's rights and the media.

### Civil society in action

54. Civil society has various ways to play an essential role in the promotion of human rights. It need not even take the form of organizations. What is needed, first and foremost, is a spirit of independence and a determination to make a difference. The Special Representative's mission met many Rwandans who fall into this category. He recalls a chemist in Gisenyi who saw street children sleeping outside her pharmacy and raised donations to open a home (*Avorwad*). Almost all these children have since been reunited with their parents.

55. The Special Representative was also impressed by the way that the Association of Rwandan Journalists hired a lawyer when one of their members was jailed for accusing a high official of corruption. He applauds the persistence of the survivors of genocide, whose organization, *Ibuka*, has a reputation for outspoken advocacy. This kind of spirit, this refusal to accept the unacceptable, is the best hope for enduring democracy and the protection of human rights.

## VII. National Human Rights Commission

56. The Special Representative noted with great satisfaction that, on his advice and recommendation, and following the adoption of Commission on Human Rights resolution 1998/69, of 21 April 1998, the Rwandan authorities, who had initially set out to create the National Human Rights Commission by presidential decree (Presidential Order No. 26/01 of 11 November 1997), decided to withdraw the decree and started a legislative process. This led to the adoption, in January 1999, of a law by the National Assembly creating the National Human Rights Commission. This law was promulgated in March 1999 and the Commission was finally constituted in May 1999, when its seven members were elected by the National Assembly from a list of 10 candidates submitted by the Government.

57. Articles 2, 3 and 4 of the law stipulate that: the Commission is independent (article 2); the Commission has as an objective to investigate and follow up on human rights violations committed by anyone on the Rwandan territory, especially State organs and individuals under the cover of the State organs as well as any national organization working in Rwanda (article 3); and that in particular, the functions of the Commission are: to sensitize and train the Rwandese population in matters of human rights; on informing relevant authorities to eventually initiate judicial proceedings in case of human rights violations by anyone (article 4).

58. In light of the need to attract the most qualified persons to the membership of the Commission and to ensure their full independence, the Special Representative welcomes the provisions in the law that: the Chairman of the Commission would hold the rank of Minister; the other members would hold the rank of Secretary-General; and that, in the exercise of their duties, they are subject only to the jurisdiction of the Supreme Court (which means, according to the President of the National Assembly, that they will enjoy immunity equivalent to that which is conferred upon members of the National Assembly). The Special Representative further notes with satisfaction the provision in the law which places the budget of the National Human Rights Commission within the national budget.

59. The Special Representative has had several meetings with the Chairman and all the members of the Commission, both in Kigali and Geneva. He was impressed by their determination to obtain as much information as possible on human rights instruments and practices. The Special Representative was very pleased in this connection that, at their request, the United Nations High Commissioner for Human Rights agreed to finance a four-week training course on human rights for the seven members of the Commission at the International Institute for Human Rights in Strasbourg, France.

60. Upon completion of their training course in Strasbourg, the seven members visited the Office of the United Nations High Commissioner for Human Rights in Geneva and had meetings with various officials and staff of the Office. They were pleased to meet with the High Commissioner, who again reiterated her full readiness to support the Commission technically and financially.

61. At the time of the writing of the present report, the National Human Rights Commission was organizing a national forum, with the representatives of all prefectures and communes. The forum will have two objectives: to make the Commission known throughout the country and to provide a forum for the views and voices of officials who are in direct contact with the realities on the ground. The Commission was also to convene a four-day public round table in Kigali, from 12 to 16 October 1999, with the financial and technical support of the Office of the United Nations High Commissioner for Human Rights, the UNDP office in Rwanda and the Special Representative. The public round table is organized to facilitate a wide and rich

exchange of experience and expertise from outstanding personalities invited from other similar, but older, national institutions charged with the function of protecting and promoting human rights. The objective is to give the new members of the National Human Rights Commission the opportunity to meet and share views with their colleagues from other parts of the world, representatives from the National Assembly and the Government, the judiciary and civil society, as well as to engage in a wide public debate on how the Commission can be made an independent and effective institution on the basis of recognized international norms.

62. It is expected that, following these two meetings, the Commission will elaborate a work plan up to the year 2002 and will identify its priorities. In this connection, the Special Representative appeals to the international community, both collectively and on a bilateral basis, in their cooperation with the Government of Rwanda, to extend to the National Human Rights Commission the full financial and technical support to enable it to achieve its important goals. Indeed, the setting up of the National Human Rights Commission under these conditions is further evidence of the Government's commitment to the development of a culture of human rights and the ending of a tradition of impunity in Rwanda, which should be greatly encouraged and supported by the international community.

## VIII. National Unity and Reconciliation Commission

63. After five years of refusing to talk of reconciliation until justice is seen to be done, Rwandans now accept that reconciliation must be a national goal in its own right. This is a measure of the country's new confidence and it deserves the recognition of the international community.

64. Since the Special Representative's visit in January, the Government has established the National Commission for Unity and Reconciliation. Article 3 of the law creating the Commission stipulates that the functions of the Commission are, *inter alia*, to conceive and disseminate ideas and initiatives aimed at promoting peace among Rwandese and to inculcate the culture of national unity and reconciliation, to monitor closely whether government organs respect and observe the policy of national unity and reconciliation among Rwandese and to monitor whether the political parties, leaders and all the people in general do respect and observe the policy of national unity and reconciliation.

65. In a wide-ranging discussion with the Special Representative, the Commission's Executive Secretary, who is the former Minister of Gender and Social Affairs, explained how she and her colleagues initiated a nationwide debate among the Rwandan people before proposing solutions. The Special Representative fully supports that approach.

66. The Government feels that reconciliation requires, first and foremost, that the divisiveness of ethnicity be expunged from Rwandan history and communal life, but it also acknowledges that reconciliation cannot be imposed and that Rwandans have long been working out their own solutions. "Old caseload" refugees, mainly Tutsis, have found accommodation with "new caseload refugees", who are mostly Hutu. Returning refugees who found their homes occupied, sometimes by powerful local figures, often consented to live in the same house with these occupants. Sometimes victims had no other option but to live next to suspected killers.

67. This day-to-day drama has produced tension, but also triumphs. One remarkable example encountered by the Special Representative's mission was the aforementioned Women's Consultative Committee in the prefecture of Gitarama. The Women's Consultative Committee comprises 95 separate associations — 60 per cent of its 2,055 members are widows of genocide victims. The rest are married to suspected killers who are now in prison. Yet both groups till the fields together, prepare food for the wives to take to the husbands in jail and stood together for election during the March local elections. Reconciliation of this kind is a lesson for the whole world. It belies the image of Rwanda as a country riven by ethnic hatred.

68. Groups such as the Women's Committee have persuaded the National Commission for Unity and Reconciliation that practical solutions should be left to communities. As an example, the Executive Secretary noted that the number of orphanages in Rwanda has been reduced by two thirds, as orphans from the genocide have found foster homes. Financial incentives are given to Hutu families who foster a Tutsi orphan, and vice versa.

69. The National Commission has a budget from the Government but also still receives limited financial support from donors. As indicated above, the Commission has already prepared an ambitious programme to engage in a nationwide grass-roots participatory consultation that will permit Rwandans of all walks of life to shape and influence the ways and means of how unity and reconciliation will be achieved. However, the Commission does not currently have the resources or the staff necessary to attain this objective

and effectively fulfil its mandate. The Special Representative therefore also appeals to members of the international community and partners of Rwanda to extend their full support, both financial and technical, to the National Commission for Unity and Reconciliation.

70. In this regard, the Special Representative would like to recommend that a special mechanism be set up in Kigali, by the donors, to coordinate financial and technical support to the two commissions, namely, the National Human Rights Commission and the National Commission for Unity and Reconciliation. The newly created UNDP Justice and Human Rights Unit could play a significant role in this mechanism, together with representatives of the two commissions, to assist in strengthening the complementarity, cooperation and independence of the two national Commissions.

## IX. Helping survivors

71. Like any society recovering from violence, Rwanda confronts a familiar dilemma. The best treatment for the survivors of genocide is to know the truth and see justice done. But how can this be done without opening old wounds?

72. It is partly a question of balance and of altering the widespread perception that survivors of genocide receive less attention than imprisoned mass killers. The Special Representative met with the president of *Ibuka*, the lobbying organization of survivors, and the Minister of Social Affairs, whose Ministry supports 300,000 families of genocide victims. Last year, the Government voted to make 5 per cent of the national budget available to provide support and assistance to genocide survivors. This has produced about $12 million, which is not sufficient in the eyes of the Rwandans, but still a considerable sum in the eyes of donors.

73. The Special Representative doubts that donors will fund large-scale social support for survivors at a time when they are being asked to fund other programmes, such as the *gacaca* and villagization (*imidugudu*) initiatives, but perhaps they could be persuaded to support legal restitution. Increasingly, law courts are finding on behalf of civil plaintiffs in genocide cases and levying large fines on those responsible, including the Rwandan State. Neither the State nor individuals have the funds to pay, which means that such verdicts increasingly lack credibility. In this situation, some donor support could be valuable, although, as the President of *Ibuka* has made clear, survivors are not just interested in money. They want the tone of the debate altered. They want it cast in terms of their human rights.

74. The Special Representative commends the work of *Avocats sans Frontières*, whose lawyers not only defend accused genocidaires, but also plead the case of victims. He also supports the kind of initiative described earlier, in which prisoners are let out to perform community service. These acts of penance promote reconciliation as well as the physical well-being of the prisoners. One project in Gitarama, to be funded by the German Technical Cooperation Agency (GTZ), will allow prisoners to work the land belonging to the widows of their victims.

## X. Civil society and human rights

### Rwandan human rights groups

75. One of the Special Representative's principal goals is to encourage local human rights groups. It has been a difficult decade for these organizations. Most were established in the early 1990s, and all lost members to the genocide. They enjoyed a revival during the presence of the Human Rights Field Operation in Rwanda, which offered them valuable support. With the departure of the Field Operation, they have experienced internal problems, alienating their donors.

76. The Special Representative is relieved that these defenders are showing signs of renewed vigour and confidence. He said as much at a meeting with representatives from eight organizations at the UNDP office in Kigali, where he voiced strong support for their work and discussed cooperation with the National Human Rights Commission. At the same time, these organizations continue to suffer from serious weaknesses.

### Monitoring

77. All of the human rights groups are based in Kigali, except the League for the Rights of People in the Great Lakes Region. Few, if any, are able to report regularly on events outside the capital. There is also little consistency between their monitoring methods.

78. This is beginning to change. Three groups — the Rwandan Association for the Defence of Human Rights and Freedoms, the League for the Rights of People in the Great Lakes Region, and the League for the Defence of Human Rights in Rwanda — have developed urgent action procedures. Increasingly, they are working together on sensitive cases.

79. The League for the Defence of Human Rights in Rwanda has the most extensive system of monitoring. Its staff has visited 70 of the country's 154 *cachots*. It also

monitors the genocide trials and produces a professional newspaper (*Verdict*) on the trials. At the request of the Government of the Netherlands, the League has followed up on persons released from jail.

80. It is the Special Representative's belief that monitoring by these organizations can help to resolve some of the difficult policy dilemmas that will face Rwanda in the months to come, but that this will require a greater capacity. It has to be said that even the monitoring by the League for the Defence of Human Rights in Rwanda is weak compared to that being carried out by other countries. The League has only two representatives in the key prefectures of Gisenyi and Ruhengeri, each with his own group of contacts. The groups have a very small budget. In addition, monitoring can be dangerous and group members can be subjected to intimidation.

81. In an effort to strengthen its monitoring capacity, the League held a two-day training session for its teams in the north-west during the Special Representative's visit. This training session was also funded by the Government of the Netherlands. The Swiss Government has purchased a vehicle that allows the Rwandan Association for the Defence of Human Rights and Freedoms to conduct urgent interventions. Canada has put up the funds for *Verdict*. Such projects are low in cost, but important because they strengthen monitoring capacity. The Special Representative applauds such initiatives.

### Money and membership

82. Rwandan human rights groups are totally dependent on a small group of international donors for support. Any attempt to levy fees will merely discourage new members at this time. The Rwandan Association for the Defence of Human Rights and Freedoms has only 88 members, of whom 20 pay an annual fee. The League for the Defence of Human Rights in Rwanda has 100. At the same time, all the groups report a growing number of applications. It is important not to discourage this promising trend.

83. The Special Representative would like to commend donors who support these groups, but would also ask that they build more institutional costs into projects and design projects for periods longer than six months (the average). Often, projects turn out to be more costly than expected and the group has to bear the additional costs out of its meagre funds.

84. The Special Representative would also draw attention to the importance of donor coordination. He has heard that groups "shop around" for support and that, as a result, a clear picture of their needs never quite emerges. Although a small group of donors meets regularly, something more is needed to avoid duplication. This points to a role for the new Justice and Human Rights Unit established by the UNDP office in Kigali.

### Acting on information

85. Even when groups receive accurate information, they often lack an outlet for it. Some have developed personal relationships with individual ministers, but these are likely to be broken when there is a cabinet reshuffle, and are no substitute for an institutional conduit. It is hoped that the National Human Rights Commission can play such a role.

86. In their meeting with the Special Representative, several groups emphasized the importance of human rights education. The Special Representative is in full agreement, but notes that such educational programmes also require a technical capacity. The League for the Defence of Human Rights in Rwanda has the ability to prepare radio slots, but has been refused permission to run its own radio station. Opening up the airwaves would benefit human rights.

87. It has also emerged that many human rights groups do not have basic human rights texts (they particularly requested the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, recently adopted by the General Assembly). They are also often the last to receive important government papers (such as the discussion paper on *gacaca*). This is a comment on their relative isolation from the flow of information and it requires attention from their international supporters. On the Rwandan side, the umbrella organization, the Committee of Human Rights Leagues and Associations, would be well placed to coordinate information-sharing. In this regard, the National Human Rights Commission could develop a programme of cooperation with the Committee and other human rights groups to disseminate and exchange human rights information and texts.

### Management

88. Without any doubt, the single greatest impediment to the development of a strong human rights community is weak management and administration. The League for the Defence of Human Rights in Rwanda has a staff of eight in Kigali. The Rwandan Association for the Defence of Human Rights and Freedoms has only three. Executive Secretaries find themselves managing several projects, running the office, heading field missions, briefing visiting missions, attending conferences and even travelling abroad.

89. The Special Representative hopes that donors will make a concerted effort to improve the management capacity of Rwanda's small but energetic human rights community. In October, the Irish organization, Trócaire, plans to hold a workshop for human rights groups to identify their needs. Local experts will then be hired to work on solutions. During the same month, the National Human Rights Commission will hold its first workshop to draw up its own programme of action.

90. The burden of improvement lies, however, with the groups themselves. Most will shortly hold elections and the Special Representative trusts that they will choose new office holders on the basis of their interest in human rights and not their political affiliations. The groups also need to better exploit their complementary skills and work together under the umbrella of the Committee of Human Rights Leagues and Associations on common projects.

### Freedom of the press

91. Rwanda's press has a crucial role to play in Rwanda's transition, but first it needs to be able to operate in a climate free from fear and intimidation. This will require legal safeguards, financial viability and quality training in professional reporting.

92. All these requirements are struggling to emerge in Rwanda. This was shown recently when a journalist wrote an article charging that money had been diverted in the sale of helicopter parts by Uganda. He was arrested and jailed without charge, whereupon the Association of Rwandan Journalists launched a campaign of protest and borrowed against its limited income to hire a defence lawyer. The journalist was released provisionally. Undeterred and unintimidated, he wrote another article complaining of corruption in the very jail where he was detained.

93. It is deplorable that a journalist can be jailed for protesting against corruption, but heartening that he had the courage to express his views — and that his association was prepared to go to his defence.

94. Large amounts of foreign aid have been spent to improve the condition of the Rwandan media since 1994, but little has permeated to the level of the working press nor have sales been improved. Most of the 15 published titles have a small readership — none has its own printing press.

95. Short of outright subsidies, there is much that donors can do. For example, the United Kingdom has paid for the construction of newspaper kiosks around the country and has funded a vehicle for the Journalists Association. Editors bring their papers directly to the Association for distribution to the kiosks. Sales have jumped and the Association's credibility has been enhanced.

96. The Special Representative would also like to commend the Government of Canada for supporting the newspaper, *Verdict*, published by the League for the Defence of Human Rights in Rwanda, which offers professional writers the chance to cover genocide trials. This has made trials more transparent and invigorated the Rwandan press — there is nothing more absorbing to readers than the genocide trials. Sweden has provided funds for the Journalists Association to open a press café on its premises. The United States of America has provided the Association with two computers, which the Association puts at the disposal of other civil groups and even uses to produce advertisements. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has organized several training sessions for journalists and provided various forms of support to the media. These small initiatives nurture civil society and a free press.

97. Perhaps the biggest obstacle for the media is the legacy of distrust that persists from the genocide. While this is understandable, other sectors of society which contributed to the genocide have been allowed to play a role in Rwanda's transition. This must surely extend to the media.

98. The Special Representative would also like to refer to the new press law currently under discussion in the National Assembly. While much of its contents are irreproachable, one provision could be damaging. It requires that every media title be owned by a commercial enterprise. None of the 15 titles are currently commercial and this provision could bar small publications being issued by civic associations. It could also lead to a monopoly of ownership.

99. On the subject of monopoly, the Special Representative hopes that the Government will permit the development of independent service providers, which allow civic associations and individuals access to the Internet. The Special Representative would also suggest that private radio stations be permitted to transmit their broadcasts. He knows of at least one human rights group that has prepared radio programmes on human rights, but has been prevented from transmitting them.

## XI. The crisis in Rwanda's prisons

100. This year's report devotes considerable attention to detention and the rebuilding of Rwanda's judiciary. It is hard to comprehend that between 125,000 and 130,000 detainees are still packed into jails five years into the transition —

many without being charged. The Special Representative sees this as a critical test of the international community's ability to respond to genocide with the rule of law.

101. The Special Representative understands the dilemma that faces the Government. It has been explained many times. Put simply, the perpetrators of genocide must be punished, but Rwanda's judiciary was virtually destroyed in the genocide. In the meantime, suspects must remain in prison, if only for their own safety. This impasse has blocked a solution for five years.

### Positive trends

102. The Special Representative is pleased to report that he sees the possibility of a breakthrough on this intractable and dangerous problem. There is, first, a new note of realism in his discussions. Government Ministers agree that prisons are imposing an impossible economic burden — taking 4 per cent of the national budget annually. They understand the damage that is being done to Rwanda's commitment to human rights and to national reconciliation.

103. With this in mind, the Government has undertaken a series of bold moves which strongly merit international support. Most notably, the Government plans to use traditional justice (*gacaca*) to try those suspected of genocide in front of their community. This is discussed further below.

104. The second noteworthy development is a vigorous campaign against corruption by the Ministry of the Interior, which acquired the direction of prisons under a recent government reorganization. The Ministry is increasingly open to inspection of the prisons and the Special Representative hopes that this can extend to regular visits by human rights groups. They will be able to use new prison regulations, drawn up by the Ministry, which should now be widely disseminated and shared with the human rights community.

105. The Special Representative would also like to commend the Government for its restraint in carrying out executions. The last executions occurred in April 1998, and he has not been informed of plans for further executions, a fact that will reassure Rwanda's friends. At the same time, of course, the number of those condemned to death continues to rise (the number stood at 232 at the start of 1999). Eventually this situation will have to be resolved.

### Numbers

106. In spite of the positive developments, the Special Representative is concerned that the overall prison population shows no sign of diminution. As of 30 July 1999, 124,800 prisoners were registered by the International Committee of the Red Cross — 85,000 in the country's 19 prisons and 35,000 in the communal detention centres (*cachots*). Between January and July, 4,838 new detainees were registered by the Red Cross. During the same time, 2,735 were released and 642 died in jail. In other words, the prison population grew in the first six months of 1999.

### Cachots

107. Conditions are the worst in the 154 *cachots* in Rwanda. These are meant to hold detainees for up to 48 hours, until they can be transferred to a prison. But the Special Representative's mission talked with some detainees in *cachots* who had been detained for over three years.

108. Precisely because the *cachots* are supposed to be temporary, the local commune has no budget for them. It is left to the families of prisoners to bring food, often from very long distances. Abuse, neglect and overcrowding are prevalent in this climate. Of all the detainees interviewed for a recent report by the League for the Defence of Human Rights in Rwanda, 85 per cent had not been charged. Scores showed the wounds of mistreatment.

109. This has created a vicious circle. Conditions in the *cachots* are so abusive that very few agencies wish to be seen offering assistance. They also fear that locals would object to suspected killers receiving food that is denied to their own families, leading to worse conditions.

110. It is time to break this impasse. As a start, the Special Representative strongly advises the Government to place *cachots* under the direction of the Ministry of the Interior, thus allowing the Ministry to treat them as an extension of the national prison system, which is what they have become. It is also essential that the Ministry be provided with a budget for providing water, sanitation, medical services and, above all, food. The International Committee of the Red Cross (which provides 55 per cent of the food for the prisons) has made it clear it will not supply food to *cachots*.

111. In the meantime, there are many small measures that could be taken to improve conditions at very little cost. Merely providing sandals relieves the pressure for those forced to stand and reduces the risk of swelling in the lower limbs. Exercise is obviously essential.

112. The Special Representative is gratified to note a trend to greater engagement by donors. The NGO, Concern Worldwide, has built kitchens for eight *cachots* in the Butare prefecture. In the same prefecture, the Swiss NGO, Dignity in Detention, has negotiated with the district mayor of

Rutobwe commune to allow prisoners to grow food for the local community.

113. The Special Representative's mission visited another commune, Nyabisindu, where 152 detainees are building houses for widows and orphans of those killed in the genocide, thus providing the prisoners with exercise and promoting reconciliation.

114. In the end, these promising initiatives rely on the imagination and initiative of the individual district mayor, who wields enormous power in the communities of Rwanda and must be the target for any intervention by donors. For every district mayor who abuses his power, there is another who strives to do better. They should be rewarded by the international community. There can be no development in Rwanda's communes as long as anarchy reigns in the communal *cachots*.

### Prisons

115. The Special Representative is distressed and concerned that conditions in Rwanda's prisons continue to be unacceptable. This even extends to violations by the prisoners themselves in the manner in which they enforce discipline. Most prisons have their own lock-up. One prison lock-up held smokers and homosexuals. In the Special Representative's view, prison conditions could be greatly improved by concentrating on the following two areas.

### Administration

116. The Special Representative is impressed by the efforts of the Ministry of the Interior to improve prison administration and clean up corruption. No fewer than nine of the country's 19 prison directors have been dismissed and jailed on charges of corruption. Several are suspected of using prison labour to build extravagant houses.

117. The Special Representative was told that the supply of medicine to Kigali Central Prison was two weeks behind schedule — at a time when malaria is widespread, and a mysterious outbreak of "trembling" had broken out among female detainees. Part of the problem was bureaucracy: the prison administration has to send a written request to the Ministry of the Interior, which then passes it on to the Red Cross. Even prison secretaries have a critical role to play in improving prison conditions.

118. But it is the guards, who are in contact with prisoners on a daily basis, who are most in need of training. Once again, this is linked to the wider problems facing the judiciary. Many prisons are very short-staffed. (Rilima has 17 guards for a prison population of 12,000.) Most guards are so poorly paid that they are virtually forced to rob from detainees.

119. Penal Reform International has trained 400 prison guards in the last year, but not one has yet been deployed, either because of slowness in vetting their background, or because they lack training in the use of firearms and crowd control. The Interior Ministry proposes to establish a training centre for prison guards within an existing training facility for police in Kibungo prefecture. The Special Representative endorses this proposal and hopes that it will attract funding.

### Community work

120. During a visit to the Kigali Central Prison, the Special Representative was able to see the benefits that come from giving prisoners the chance to work. The project is run by Penal Reform International and operates in eight prisons. At Kigali Central, 1,000 prisoners are permitted to work in the fields and in a carpentry workshop where they make furniture. Seventy per cent of the profits from their labours go to the Ministry and the rest is ploughed back into the jail. The prisoners themselves receive a monthly stipend with which to purchase food.

121. Initially Rwandans resented the fact that people suspected of genocide were receiving payment, but Penal Reform International has made it clear that the alternative is slave labour, which would of course be unacceptable. This excellent initiative could also provide an important foundation for *gacaca*, which will make extensive use of community service, but first it must be extended to all jails. In Kigali Central, only a sixth of the prisoners are permitted outside. Regrettably, none of the 670 women prisoners have this opportunity. This is a clear example of discrimination.

### Releases

122. On 6 October 1998, the Government announced plans to release 10,000 prisoners without a file. Survivors protested angrily that this was a denial of justice and the mass release was slowed down in favour of a more low-key approach.

123. Between October 1998 until the end of July 1999, 3,365 prisoners have been released. During the same period, 50 were released because of old age and 196 because they were minors. This is encouraging but not sufficient to keep pace with new arrests.

124. It has always been assumed that those released would face reprisals in their commune, but this is not the case according to the League for the Defence of Human Rights in Rwanda, which has been monitoring releases. A recent

analysis of 356 cases shows that their reintegration was not easy: some were denied identity cards and others were disabled from their time in jail, but there were no reports of violence by neighbours.

125. This suggests that the release of prisoners will be accepted if it is explained by the authorities. This was strongly borne out by a visit made by the Special Representative's mission to the commune of Nyabisindu in Butare. Forty prisoners were freed from the lock-up last year, 20 of whom had no file. New charges were levelled against 10 prisoners, who were rearrested, but the other 30 were given a document confirming their innocence, and this was used by local leaders to inform other families. Public opinion has been further softened by the fact that prisoners are building houses for widows and orphans, as reported above.

126. Having seen such examples, the Special Representative is convinced that the will now exists to start emptying the prisons and *cachots* of those who clearly should not be there. The Special Representative would also appeal for the release on humanitarian grounds of the detainees over 70 years of age, small children and the 352 mothers who have given birth in jail.

### Justice reforms

127. The crisis in the prisons is part of the greater challenge to rebuild Rwanda's judiciary, because overcrowding is due primarily to the slowness of the justice system in processing cases and completing trials.

128. Between 1994 and 31 December 1998, 1,274 persons were tried on charges related to genocide. Of these, 18.2 per cent were condemned to death; 32 per cent to life imprisonment; 31 per cent to jail terms of between 20 years and one year; and 18 per cent were acquitted.

129. There is much to applaud in this process. Trials are closely monitored and found to conform with international standards. The Danish Centre for Human Rights has trained Rwandan defenders, and defence lawyers are provided by *Avocats sans Frontières* (Lawyers without Borders). This has pushed up the rate of acquittal appreciably.

130. As many as 40,000 prisoners have yet to be formally charged. This is because of the constraints that face judicial police inspectors, whose task is to investigate and prepare files. The Special Representative's mission met one inspector in Nyabisindu who has no means of transport, not even a bicycle, with which to prepare 152 files. Witnesses have to come to him.

131. Another worrying sign of the judicial paralysis is the very small number of confessions that have resulted in a lessening of sentence or even acquittal. The 1996 law on prosecutions for genocide provides a range of possibilities for those who confess. If implemented, these provisions would undoubtedly serve to reduce overcrowding.

132. According to the Minister of Justice, over 15,000 have confessed. The Special Representative was himself told by prisoners in the Kigali prison that 964 inmates (out of 8,549) are prepared to confess. Yet according to the Citizen's Network, which is helping the Government to process confessions, only 65 confessions had been acted upon by March, so slow and cumbersome is the process of hearing and review. This dramatic statistic demonstrates the continuing inability of the justice system to implement Rwanda's own laws.

### The role of donors

133. The Special Representative wishes to pay tribute to organizations working on the frontline on this crucial issue. By its work in prisons, the International Committee of the Red Cross is implementing the spirit of the Geneva Conventions adopted 50 years ago. Penal Reform International is doing difficult work in distressing conditions. *Avocats sans Frontières* is training lawyers to take on the deeply unpopular cases of suspected genocidaires and is also representing the victims. The Citizen's Network is furnishing the prosecutor's offices with essential support, including transportation, training judges and working with judicial police inspectors.

134. Backing them up are Governments, notably that of the Netherlands, that are deeply committed to the improvement of justice. In some respects, this is a model intervention by the international community. However it can be improved. Many donors are willing to support the reform of justice, but they are reluctant to put money into a system of detention that so clearly does not meet basic minimal standards. It is noteworthy that no funds are foreseen for prisons in the Great Lakes Justice Initiative of the United States Government, but that as much as $5 million could go to the *gacaca* initiative.

135. The Special Representative considers that improving prison conditions is tantamount to improving the administration of justice and that there are several ways that donors could help without compromising their principles. The first is to support community service and employment by prisoners. This requires a greater sense of urgency, and coordination, by donors. The Special Representative was concerned to hear that the valuable projects of Penal Reform

International have been placed in jeopardy because of a long delay by the European Union in disbursing a grant that has already been approved.

136. The second contribution is training. The Special Representative strongly endorses the proposal to establish a training centre for prison guards within the existing training facility for police in Kibungo prefecture. He would also support the plans of the Ministry of the Interior to professionalize and restructure the civilian police in Rwanda. This is now well under way. A new law is before Parliament, and Rwandan police officials have received training in Uganda and the United Republic of Tanzania. Other Governments are more reluctant.

137. The reticence of donors is most marked when it comes to the construction of new prisons. There is an understandable fear that new prisons would simply invite new prisoners. In one example, the International Committee of the Red Cross agreed to support the construction of a new prison at Nsinda on condition that it held no more than 5,000. It now holds 12,500.

138. This makes donors wary. But they cannot ignore the fact that more prison space will be needed regardless of whether or not *gacaca* is introduced. Even with mass releases, optimists predict a prison population of 60,000 by the year 2005, which, in per capita terms, would still be the highest compared to almost every other country in the world.

139. In sum, the Special Representative wishes to reiterate that Rwanda's prisons are merely one part of the wider challenge of rebuilding the judiciary, administering justice and professionalizing the forces of law and order. These components should be viewed as a comprehensive whole, instead of piecemeal projects. It will require a concerted effort by the Rwandan authorities under the direction of the Ministry of the Interior and the Ministry of Justice, with the participation of civil society and the new National Human Rights Commission. Prisons must be brought into the mainstream of public debate.

### The International Criminal Tribunal for Rwanda

140. The International Criminal Tribunal for Rwanda, based in Arusha, United Republic of Tanzania, has administered a parallel system of justice since its establishment in 1994. As of July 1999, 48 individuals have been indicted, 38 have been detained in Arusha and 5 have been tried and sentenced.

141. The Rwandans find these results hard to justify when set against the resources allocated to the International Tribunal, but they do not hide their admiration for the Tribunal's Deputy Prosecutor, who is based in Kigali. The Special Representative's mission was pleased to receive a briefing from the Deputy Prosecutor on plans to speed up the process and arrest more suspects.

142. There are, he said, some important developments. In the first place, investigators have established that the 1994 genocide was a carefully planned conspiracy, prepared in advance and discussed with all the country's prefects at a meeting in Kigali in April 1994. It is notable that the importation of machetes and other weapons of mass murder rose dramatically in 1994.

143. The International Tribunal has taken steps to expand the number of trials by adding a new trial chamber and holding joint trials. In an effort to speed up the pace of arrests, the Tribunal also plans to make less use of sealed indictments and step up the use of photos in a public effort to track down suspects.

144. Thirty suspects are said to be targeted for arrest, but success will depend on cooperation from other Governments. According to the Deputy Prosecutor, the Tribunal has prepared an unofficial list of some 500 people, 200 of whom are known to be in Europe.

145. Cooperating with the International Tribunal is the easiest way for Governments to make amends for not preventing genocide in 1994. The Special Representative would also note that such cooperation will make it easier for Rwandans to make the hard choices that are increasingly demanded of them when it comes to justice in Rwanda itself. It will also contribute to the growing climate of confidence and coexistence in Rwandan society. The Special Representative has been made aware of the reticence of certain Governments, in various parts of the world, to hand over suspects to the International Criminal Tribunal. He strongly urges these Governments and the international community to spare no efforts to hand over these requested suspected elements and to fully assist the Tribunal in its task, thereby strengthening, within Rwandan society, the sense that impunity is being removed and coexistence made possible.

## XII. *Gacaca*

146. The purpose of the implementation of the *gacaca* system of traditional justice is laid out clearly in a recent position paper by the Government, which stated that a lasting solution to the problems of justice in Rwanda can only be achieved by putting in place a system of participatory justice

to give an opportunity to the people to bring to light the full truth about the heinous crimes which were committed and to punish those responsible for those crimes. The paper went on to say that such a system would also serve to promote unity and tolerance by balancing the needs of victims against those of the accused.

147. The Special Representative applauds the boldness of this proposal. Time and time again he was told that "justice, as it is practised in the West, is not working. We need to find an alternative". With this in mind, and in the constructive spirit of his mission, he would like to offer the following observations.

### How *gacaca* will work

148. *Gacaca* is an ancient system of traditional justice. It has long been mentioned as a component in any resolution of the detention-justice challenge, but it is only in the last few months that it has gone from being an idea to a government policy.

149. This is partly because of the determination of the Government, particularly the new Minister of Justice who has spearheaded the campaign throughout the country, and partly because there indeed appears to be no alternative. Even the survivors of genocide are coming around. They have reservations about any proposal that could free the guilty, but it has become increasingly likely that the only alternative would be an amnesty, which would be unacceptable at present.

150. As has been explained in previous reports, the 1996 law on prosecution for genocide established four categories of offenders, with corresponding penalties. In the first category are those who planned and directed the 1994 genocide. The second comprises those who personally killed, acting on orders. The third category is for those who caused physical injury and rape. In the fourth category are those who destroyed property. Each prisoner is assigned a category at trial.

151. The *gacaca* courts will have jurisdiction to decide prosecutions brought against offenders in the second, third and fourth categories. 180,000 judges will be selected at the level of cells, 30,000 at the level of sectors and 2,000 at the level of communes. Prisoners will be tried in public before the entire community. Drawing on the recollections of the accused and the villagers, the judges will compile a list of those who died in the genocide, and of those responsible. The accused will then be judged and sentenced. The innocent will be released, the guilty punished depending on the severity of their crimes.

152. Convicted offenders in the fourth category will be expected to pay restitution for the damage they caused. If, as is likely, they lack the means, they will be expected to perform community service. Those accused of the more serious crimes (under the second and third categories), which will be sent for trial at the next level up (sector, commune), will be punished with prison terms, taking into account time already served in pre-trial detention. There will be no appeal of decisions taken by the *gacaca* courts at the cell level. In contrast, appeals will be permitted at the level of sector and commune.

153. The Special Representative is particularly pleased by the Government's determination to engage ordinary Rwandans into this bold endeavour. The Government stance is evident to the prisoners themselves. During a visit to Kigali jail, which houses prisoners from the Kigali prefecture, the Special Representative found that the entire prison population has been meeting every day to prepare for trial at the *gacaca* courts, at the urging of government officials.

154. Overseen by a committee of 12 prisoners selected by the authorities, the prison population was divided according to the cells in which they lived during the massacres of 1994. Ten cells were meeting when the Special Representative visited. During the morning, one cell had drawn up a list of 113 deceased victims and 20 killers, 17 of whom are already in prison. Three are still at liberty.

### Concerns and questions

155. The Special Representative wishes to share several concerns that he heard expressed about *gacaca* during his mission.

156. In the first place, *gacaca* means different things to different people. In their Common Position paper on Rwanda, adopted on 12 July, the European Union Council of Ministers expressed the strong hope that *gacaca* would lead to clemency. This is not, however, necessarily the view of all Rwandans: some see *gacaca* as a way to ease overcrowding in the jails; some as a tool of reconciliation; some as a way of establishing the facts of genocide; and others as a way of punishing the guilty.

157. This last view raises the possibility that *gacaca* may increase the prison population because it can be safely assumed that many more suspects will be identified by the accused in the course of public trials. The 65 individuals whose confessions have been processed by the normal justice system generated over 150 new cases. As noted above, when the Special Representative visited Kigali

prison, the prisoners from just one cell in the Kigali prefecture had identified three new suspects.

158. The hope must be that any new arrests will be more than offset by the release of those who are found innocent or have already served out their time, as well as by the acceleration of the process. In addition, confession will automatically result in a halving of sentences for those in the second category -- which is by far the largest group.

159. Several other questions regarding human rights have been posed concerning the *gacaca* system. First, there is no provision for legal defence. Some feel this could be inconsistent with international standards. The dilemma is that *gacaca* is not a judicial process, and even less an adversarial system. Human rights observers insist that a way be found to ensure that a defendant does not stand alone before his accusers. Many are concerned with any judicial process that does not allow for appeals against decisions made by the *gacaca* courts at the cell level. Rwandan supporters of *gacaca* reply to this concern by saying that the system does not function in the accused/defendant structure -- it is a group discussion.

160. There are other questions. How can an acceptable trial be ensured — and will the public nature of the event not lead to intimidation? How can women victims be convinced to give evidence in public about sensitive subjects like rape? How will the accused and the victims be made aware of their rights? *Ibuka*, the survivors' organization, has expressed concern that witnesses might be killed. Others fear that the release of large number of self-confessed *genocidaires* will unleash personal vendettas. As was noted earlier, such fears are not born out by the monitoring of prison releases by the League for the Defence of Human Rights in Rwanda, but they need to be addressed.

161. Other questions concern logistics. How will prisoners be transported from distant communes? Will prisoners be housed in communal *cachots* during their trial — and if so will this not swell the numbers in the already overcrowded *cachots*? How will communes be able to organize community service for such vast numbers of prisoners?

162. In the face of all these questions and considerations is the important fact that Rwandans bring an impressive determination to tasks to which they set their minds — as witnessed by the election of nearly 160,000 local committee members in the March elections. Already there exists a system of community service, known as *umuganda*, which every villager is expected to perform one or two days a week.

### Donors

163. Most donors appear prepared to support the Government's initiative. The United States has informally suggested that $5 million of the funds for its Great Lakes Justice Initiative could be made available to finance a public information and awareness campaign on *gacaca*.

164. The Special Representative welcomes this and fully endorses the Government's determination to encourage as much public debate as possible, at all levels. Indeed, the best way to ensure that *gacaca* also becomes an instrument of reconciliation is for the Government and the authorities concerned to explain, as widely as possible, in public discussions, its purposes and objectives to obtain the clear understanding and participation of the population throughout the country. The Special Representative urges the Government also to encourage intensive monitoring of *gacaca* trials by Rwandan human rights groups.

## XIII. Land and resettlement

### Villagization

165. Rwanda is in the middle of a great debate on land and settlement. The Special Representative is pleased that his advice has been sought on this important issue.

166. It is both understandable and prudent for the Government to be framing a national policy. Over the last five years, over 70 per cent of all Rwandans have left their homes, a displacement of exceptional magnitude in history. The Office of the United Nations High Commissioner for Refugees has helped to build just under 100,000 houses, but according to the Government, 370,000 families still need housing.

167. This is linked to land. Few would dispute that pressure on land was one of the root causes of the war and genocide that took place from 1990 to 1994. Rwandan land has been progressively parcelled out through the generations, to the point where it is barely productive. Rwanda's population is expected to grow to 10 million by the year 2005, putting even greater pressure on the land.

168. The Government argues that regrouping Rwandans in village settlements will better facilitate their access to basic services such as water, education and medical care, thereby securing basic human rights. They will also make it easier to organize security for the population, particularly in the north-west. The Government's policy of resettlement has emerged directly from the insurgency in the north-west,

described earlier, where 600,000 displaced persons have been grouped into villages.

169. Out of these different elements has come the ambitious policy of collective resettlements known as *imidugudu*, or villagization.

### Concerns of donors

170. The scope and ambition of *imidugudu* in Rwanda has alarmed many important donors. On 12 July 1999, the European Union Council of Ministers urged Rwanda to ensure careful planning, prior impact studies and pilot projects in order to avoid villagization that brings about human rights violations.

171. This reflects the two chief concerns of donors: first, that villagization may be achieved in a coercive manner, and second, that it could further undermine Rwanda's agricultural productivity and food security.

172. There is some evidence on both counts. In December of 1998, 41 per cent of those questioned in a Government survey of Gisenyi and Ruhengeri said that they wanted to remain in their own homes instead of moving to villages. As for food security, a recent survey by the Government and United Nations agencies suggests that the distance from fields is contributing to an alarming fall in food production. Only 53 per cent of the respondents said they were able to farm their own land. The Special Representative is also reminded that compulsory settlement has rarely succeeded when it has been tried elsewhere in Africa.

### Karambi, Rutara and Gihinga

173. The Special Representative does not think that he has to take one side or another, but rather to air the arguments on both sides. His mission visited three villages in the hope that first-hand experience would make it easier to frame the debate.

174. Karambi, a new village in the commune of Rwerere, Gisenyi prefecture, is described by the Government as a pilot project and is the first of 19 villages planned for Gisenyi. Of these, all but two were selected by local leaders, indicating a considerable degree of local choice and participation.

175. Karambi's 254 shelter/houses are situated on former farming land. The International Rescue Committee has provided running water and built latrines for 200 houses, which are 10 minutes from the communal primary school and health centre. The settlers are only 500 metres from their fields.

176. Most families are from the sector, and so are living close to their original homes. The exception are 50 "old caseload" families who returned to Rwanda in 1994 but were forced to leave their temporary homes when the owners returned. There were no signs that their presence in Karambi was resented and no hint of ethnic tensions.

177. There is no evident coercion in Karambi, nor is there likely to be, given that the inhabitants were all displaced persons whose previous houses had been destroyed or who were otherwise extremely vulnerable. No fewer than 136 heads of families were widows.

178. In the case of Karambi, those sceptical of the new village have been asking the wrong questions: it is not the lack of choice, but the lack of resources that poses a threat to its survival. All 254 houses are still made of temporary plastic sheeting and only 5 are being built with brick. The health centre may be close, but it has no beds and almost no medicine. Karambi's settlers are regular visitors to the nutrition centre because many of their infants are seriously underweight. Agricultural production is certainly low, because settlers lack seeds and fertilizer, and most are single women.

179. The second village visited was Rutara in Kibungo prefecture. It comprises 100 houses. They were built by UNDP on land that was previously occupied by just three houses, two of which were destroyed in the war. The third still stands.

180. The population is mixed: 54 families are old caseload returnees, of whom 46 returned in 1997. All were selected because they were homeless. A school, market and health centre are all close, as are the fields. The main problem is water: there is a pump in the village, but it is only available for settlers who make adobe bricks for latrines. Drinking water has to be purchased in the market.

181. Coercion is not a problem in this village. All of the settlers opted to live here. In fact, the greatest problem is posed by the 50 widows and other vulnerable families who wanted to live in the village for reasons of security, but could not qualify because they were unable to contribute to the construction of a house. These families have erected makeshift houses, which are plainly inadequate, on the outskirts of the village. One widow with four children said she had access to her family's land, but production had fallen because her husband was no longer there to farm.

182. The third site visited by the Special Representative's mission, Gihinga, was the least satisfactory of the three. It comprises 150 houses constructed in 1997 by a consortium of donors. Funding came from the Dutch Government

through a UNDP trust fund. Roofs were provided by UNHCR, water by OXFAM, food for work by the World Food Programme (WFP), and masons by UNDP.

183. The land had originally belonged to one farmer, who now lives in the village as do the other settlers. Services are difficult — the nearest health centre is 5 kilometres away, the market is even further and the water supply is intermittent. There was also evidence of coercion: 20 of the 150 families had been told to destroy their original homes and move into the new village. Asked whether this was voluntary, the Special Representative's mission was told they had no choice, because laws had to be obeyed. No families can live further than 30 metres from a road.

#### Recommendations

184. It must be stressed that each village tells its own story, and that the Special Representative is in no position to pass judgement after three visits, but he is better placed to suggest how a dialogue can be pursued between donors and the Government.

185. In the first place, security seems increasingly less relevant as a justification for villagization as security improves in Rwanda. The Special Representative would also recall that the Guiding Principles on Internal Displacement adopted by the United Nations require that those who are grouped together for purposes of security should be allowed to return home when an emergency is over.

186. Freedom of choice is obviously important, and the Special Representative was relieved to hear from the adviser to the President that no Rwandans will be forced into villages against their will. It cannot be disputed that, often for security considerations, some coercion has occurred. It is also clear that many settlers have happily taken up the offer of a new house and land. It is the Special Representative's firm belief that if proper services were assured in advance, settlers would be clamouring for admission.

187. It is crucial that farmers continue to enjoy access to family land, but the Special Representative would also note that the real problem of land is not access, but overuse and low productivity. Rwanda's farmers were living on the margins long before *imidugudu* schemes were introduced.

188. Given the above considerations, the Special Representative strongly encourages the Government to establish a joint programme with its partners to improve services in existing villages. In terms of new villages, pilot sites could be established throughout the country, with the location left to the newly-elected development councils. Services should be installed before settlers are sought. Findings of technical studies should be fully exploited for the improvement or establishment of such services and projects.

189. Such a policy would provide for the establishment of further villages and also lay a firm foundation for a national policy of integrated rural development, which is essential for the well-being of the country. It would also benefit from the new land law that is currently before the Assembly. According to the President of the National Commission for Unity and Reconciliation, this law will allow for the right to own property. Some private ownership would help to reinforce the rights of families and communities to land they have used through the generations, but it must be tightly controlled to avoid speculation.

190. Finally, as with all the issues reviewed in the present report, the Special Representative is convinced that villagization needs more public discussion. With this in mind, he commends the Rwandan Association for the Defence of Human Rights and Freedoms for its decision to study human rights and *imidugudu*, and the Dutch Government for providing financial support.

## XIV. Conclusions and recommendations

191. The Special Representative wishes to conclude the present report by emphasizing the exciting opportunities that face Rwanda and its partners in the donor community. The following observations are made in this constructive spirit.

#### Government of Rwanda

192. The Government is to be congratulated for encouraging the development of independent human rights institutions. It is the Special Representative's firm view that this will encourage more debate — which in turn can help the Government resolve some of the dilemmas identified in this report.

193. The Special Representative is aware that human rights monitoring has unfortunate connotations in Rwanda, but notes that human rights groups cause embarrassment in the most developed societies and that to accept their presence, their role, and their participation is a sign of confidence and not an admission of weakness.

194. Another broad theme in this year's report is detention, justice and reconciliation. The Special Representative is convinced that the time is ripe for a major breakthrough on all three fronts. He commends the efforts by the Ministry of the Interior to improve prison administration and hopes that

its new prison rules can be given the fullest possible dissemination. He is also happy to report that the Government is priming public opinion for the release of more prisoners. The Special Representative would suggest that a special fast track be developed to process confessions.

195. At the current rate, *gacaca* may be under way by the time the Special Representative reports to the next session of the Commission on Human Rights. He is confident that the Rwandan Government will have some impressive results to show if it can ensure that due process is respected.

196. Finally, the Special Representative wishes to emphasize the importance of practical measures such as the demarcation of property; the licensing of private radio stations; the provision of a budget for parliamentary commissions and communal *cachots*; and the provision of incentives to foster families. All help to give concrete form to human rights.

### Human rights groups

197. The Special Representative commends the role of Rwanda's independent human rights groups that are contributing to Rwanda's transition to a post-genocide society. They understand the need to strengthen their management. They also understand the importance of working together on sensitive assignments and on the need to make constructive criticism while encouraging authorities on the positive steps taken. The Special Representative predicts a boost in membership and enhanced credibility for these groups. He will watch their progress with interest.

198. The Special Representative would also pay tribute to other sectors of civil society, particularly women's associations, labour unions and students. In different ways, all are demanding to be taken seriously and helping to lay the foundation for a democratic society.

### Bilateral donors

199. The contribution of donor Governments to Rwanda's transition is essential. The Special Representative is particularly gratified that donors take the time to target their assistance to small human rights projects.

200. At the same time, human rights assistance could be improved and better coordinated. The duration of projects needs to be extended and more costs built in for overheads and salaries. Aid from the European Union should be speeded up, and several Governments need to find a way around the fact that they cannot contribute to trust funds administered by the United Nations. Donors also need to understand that their reporting requirements impose a heavy burden on civil society.

201. In this regard the Special Representative would commend the memorandum of understanding that was signed on 12 April 1999 by the British Secretary of State for International Development and the Vice-President of Rwanda. It contains clear goals, developed through partnership, and could well serve as a good basis for similar understandings.

### United Nations system

202. The Special Representative is gratified that UNDP has established a Justice and Human Rights Unit. There is much for the Unit to do, starting with coordination of donor interventions. Several donors expressed the hope that the Unit would produce regular reports on donor assistance in the field of human rights, on justice and on reconciliation. This should greatly help to avoid duplication and confusion on such issues.

203. The Unit already convenes a working group on justice and it is recommended that this include representatives from the Interior Ministry. The Unit could convene similar meetings for representatives from civil society. At the same time, it needs to be stressed that coordination means more than sharing information. It also means taking the initiative, as UNDP did in organizing informal observer teams for the recent local elections comprising various actors from the international community in Rwanda.

204. This report has identified many potential projects that appear ideally suited to UNDP and donor expertise in technical assistance and infrastructure. They start with the establishment of a training facility for prison guards. The new prison rules need to be translated into several languages and given wide dissemination. Studies could be commissioned on villagization and *gacaca*. The Rwandan Journalists Association suggested a workshop to explain the new press law and to help the Association develop a code of conduct. The opportunities are many and exciting.

205. The Special Representative commends the United Nations High Commissioner for Human Rights for her readiness to build a new relationship with Rwanda. Both sides are feeling their way, and the Special Representative is delighted to be able to help and advise. Already the High Commissioner has made it possible for members of the National Human Rights Commission to attend a workshop in Strasbourg, and the Special Representative was ably assisted on all missions by her desk officer for Rwanda. The High Commissioner also recently dispatched her coordinator for African programmes to Rwanda to meet with government

officials and identify possible areas of technical cooperation in the field of human rights.

206. In the light of Rwanda's grim history, the Special Representative would make one other observation about foreign aid. Some experts consider that the macroeconomic policies imposed on Rwanda in the early 1990s exacerbated ethnic divisions by appearing to favour one group at the expense of the other. The Special Representative is assured that today multilateral economic aid is more responsive to human rights considerations. He would urge human rights groups to hold development banks to this pledge and ensure that it is indeed the case.

207. As for the United Nations as a whole, the Special Representative would like to again underline that the United Nations has a crucial role to play in Rwanda's transition and that the will exists on both sides to repair what has been a difficult relationship. This will, however, require an understanding on each side of the pressures and constraints that face the other.

208. The Special Representative would also like to reiterate his strong appeal to the international community to fully cooperate with the International Criminal Tribunal for Rwanda regarding those individuals suspected of genocide, thereby strengthening the sense in Rwandan society that impunity is being removed and coexistence rendered possible.

### International non-governmental organizations

209. The Special Representative wishes to express his admiration for the work of organizations that have supported Rwanda since 1994. Many have been mentioned by name in the present report. They can take comfort in the fact that their efforts are definitely bearing fruit. This is evident from the solid improvements in the justice system, in prison conditions and in the growing confidence of Rwandan civil society.

210. The Special Representative hopes that more NGOs will find it possible to invest in a full-time presence in Rwanda. Rwanda is no longer a byword for human rights violations, but this does not lessen its importance — and human rights is about credit as well as criticism. The Special Representative applauds Human Rights Watch and Africa Rights, two organizations which have won the confidence of Rwandans and also increased their own credibility by establishing offices in the country.

211. The Special Representative feels that the north-west, with its history of massive displacement and refugee returns, merits more attention from the NGO community. He is grateful to the International Rescue Committee and Save the Children UK, which are stepping up their work in the north-west. This interest, it is to be hoped, will even extend to NGO coordinating bodies such as the International Council of Voluntary Agencies, Interaction and the Standing Committee on Humanitarian Responses, all of which exert considerable influence on the humanitarian debate.

### The National Human Rights Commission and the National Commission for Unity and Reconciliation

212. These two national commissions will play a decisive role in the months ahead. The independent mandate of the National Human Rights Commission should allow it to serve as a kind of human rights ombudsman: setting the agenda, reminding governmental and non-governmental organizations of their responsibilities and promoting a culture of human rights.

213. In this regard the Special Representative very much supports the initiatives of the National Human Rights Commission to organize, in the coming weeks, a national forum with representatives of all prefectures and communes and a public round table with regional and international experts and representatives of civil society. He believes these exchanges will greatly assist the Commission in its efforts to draw up a work plan and identify priorities for the next three years. The Special Representative hopes that the work plan and the priorities will focus more on present problems than on past violations, and will also aim at promoting and developing a culture of human rights in the country based on national traditions and international principles.

214. The Special Representative further recommends that the National Human Rights Commission and the National Commission for Unity and Reconciliation work closely together to ensure complementarity of their efforts, aimed at promoting human rights in the country, through peaceful coexistence and reconciliation with all the members of the Rwandan society.

215. The Special Representative appeals to all interested members of the international community, in particular to the United Nations High Commissioner for Human Rights and the donor community, to provide all necessary financial and technical assistance to these two commissions.

216. He strongly recommends, in particular, the setting up in Kigali of an appropriate mechanism which would ensure cohesion, avoid confusion and duplication, and would provide all necessary technical and financial support to these two commissions in cooperation with the newly created

Justice and Human Rights Unit of the UNDP office in Rwanda.

### Peace, security, economic development and human rights

217. It is, of course, evident that fundamental requirements for any human society are closely interlinked. This is particularly the case in the Great Lakes region of Africa. If there is no respect of human rights how can economic development, peace and security prevail in the region? And if there is no peace and security, how can human rights and economic development prevail?

218. This is why it is of the utmost importance for Rwanda and for all the countries in the Great Lakes region, that a comprehensive regional solution is found to the present conflicts.

219. The Special Representative is greatly encouraged by the latest positive developments reached in the Democratic Republic of the Congo as a result of regional initiatives through the Lusaka peace process. He very much hopes that the peace agreements achieved there will be fully respected by all the parties concerned, with the support of the Organization of African Unity (OAU) and the Security Council of the United Nations. The Special Representative is, however, greatly concerned by recent developments in Burundi. If they are not brought under control, this may well compromise the whole regional process.

220. He therefore strongly appeals to all the countries in the region, to OAU and to the United Nations, to use all possible means to ensure that a lasting and comprehensive peace is agreed upon by all the affected countries, and that all the populations in the area be provided with reliable peace and security and with appropriate means to ensure their economic development and prosperity. This is the only viable method to obtain a sustainable culture and respect of human rights in the area.

*Notes*

[1] The mandate of the Special Representative is "to make recommendations on the situation of human rights in Rwanda, to facilitate the establishment and effective and independent functioning of the National Human Rights Commission and to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate."

[2] The draft bills for the two commissions were submitted to the National Assembly and were adopted by the National Assembly on 19 January 1999, during the first visit by the Special Representative to Rwanda in 1999.

[3] A/53/402, paras. 12-19.

[4] Rwanda is organized at four administrative levels. In ascending order, these are: the cell, the sector, the commune and the prefecture. At present the country's administrative structure comprises 9,264 cells, 1,064 sectors, 154 communes and 12 prefectures.

[5] This committee of the National Assembly should not be confused with the newly established National Human Rights Commission.